

FILED

14 JAN 10 PM 2:36

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

OK
DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE RUIZ,

Defendant.

Case No. 12cr1657-WQH

AMENDED ORDER OF
CRIMINAL FORFEITURE

On September 13, 2012, this Court entered its Preliminary Order of Criminal Forfeiture, which condemned and forfeited to the United States all right, title and interest of JOSE RUIZ in the properties listed in the Plea Agreement and Forfeiture Addendum, namely,

1. Two (2) Computers with Black Logisys CS-206 computer case, Intel e5400 Pentium Dual chip, WD320KS Hard Drive (3/5"WD 320GB SATA II 7200), Samsung DVD-RW, and Kingston 2GB 800 (DDR2 800mhz) Memory.

2. Television, 60" Samsung UN60C6300 LED TV.

3. One Ladies wedding ring "wrap," 14 karat white gold, produced by Diego Duque.

4. One Ladies engagement ring, produced by Raymond Aguilar.

5. DVD Player, Samsung Blu-ray BD-C5500, Slim.

6. Dining Table, Brussels (Alto Finish), SKU #999500066, 013902603, 013739669, purchased from Z Gallerie.

1 7. Two (2) Arm Chairs, Lola Pewter (Pewter Gold Fabric,
2 Espresso Finish) SKU #013664721, purchased from Z Gallerie.

3 8. Six (6) Side Chairs, Lola Pewter (Pewter Gold Fabric,
4 Espresso Finish), SKU #013288372, purchased from Z Gallerie.

5 9. Sofa, Sophia (Bella Grey Fabric, Espresso Finish), SKU
6 #010601066, purchased from Z Gallerie.

7 10. Chair, Sophia (Bella Grey Fabric, Espresso Finish), SKU
8 #010116967, purchased from Z Gallerie.

9 11. Console Table Sequoia (Silverleaf Finish),
10 SKU#011216073, purchased from Z Gallerie.

11 12. Mirror, Bergmann Silver, (Wood Finish), SKU
12 #101412566, purchased from Z Gallerie.

13 13. Vase, Fog Med, SKU #120462698, purchased from
14 Z Gallerie.

15 14. Statue, ZRM Musician, SKU #750060254, purchased from
16 Z Gallerie.

17 15. Gardenwall, with Panel and Base Stainless, 2 BXS1CUI,
18 SKU #99336666, purchased from Z Gallerie.

19 16. Floor Lamp, Naples (White Wood Finish), SKU
20 #021002964, purchased from Z Gallerie.

21 17. Necklace, RM Ceremonial Necklace, SKU#750021700,
22 purchased on or about June 11, 2011, from Z Gallerie.

23 18. Cubes, RM Silver Cubes, SKU #750279865, purchased
24 from Z Gallerie.

25 19. Chandelier, Venezia (with Clear Crystals), SKU
26 #02007000, purchased from Z Gallerie.

27 20. Coffee Table, Trunk Coffee Table Zanzibar, with
28 Additional Drawers, SKU #011408013, purchased from Z Gallerie.

22 21. Saber Tooth Tiger Skull (Everglades White, Faux Antique
23 Bone Finish), SKU #160284694, purchased from Z Gallerie.

24 22. Chandelier Linear Crystals, SKU #022055433, purchased
25 from Z Gallerie.

26 23. Two (2) Chairs, Accent Chair Pebble (Mocha Finish), SKU
27 #010765418, purchased from Z Gallerie.

28 24. Table, Aluminum Antler Table (The Lumiere Fabric,
29 Polished Aluminum Finish), SKU #160492217, purchased from Z
30 Gallerie.

1 25. Two (2) Vases, Vase Tropical (Plaza Fabric, Earthenware
 2 Finish), SKU #121866743, purchased from Z Gallerie.

3 26. Chandelier, Chandelier Glass Links (Hooked Glass Chain
 4 Shade), SKU #022055414, purchased from Z Gallerie.

5 For thirty (30) consecutive days ending on August 22, 2013, the United States
 6 published on its forfeiture website, www.forfeiture.gov, notice of the Court's Order
 7 and the United States' intent to dispose of the properties in such manner as the
 8 Attorney General may direct, pursuant to 21 U.S.C. § 853(n) and Rule G(4) of the
 9 Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions,
 10 and further notifying all third parties of their right to petition the Court within thirty
 11 (30) days of the final publication for a hearing to adjudicate the validity of their
 12 alleged legal interest in the properties.

13 On September 26, 2012, Notice of Order of Forfeiture was sent by certified
 14 mail as follows:

| <u>Name and Address</u> | <u>Article No.</u> | <u>Result</u> |
|---|--------------------------|--------------------------------------|
| 15 Vanessa Rodriguez 16 c/o Richard M. Barnett 17 Attorney at Law 18 105 West F Street, 4th Floor 19 San Diego CA 92101 | 7010 2780 0000 2237 9893 | Signed for as received on 9/27/12 |

20 On October 29, 2012, third party petitioner Vanessa Rodriguez filed a Petition
 21 for Hearing to Adjudicate Validity of Petitioner's Interest in Forfeited Property as
 22 document 44 in this case. The United States filed its Response and Opposition to
 23 this petition on November 19, 2012, as document 45.

24 A status hearing as to the forfeiture was held on November 4, 2013.
 25 Subsequent to the hearing, the parties agreed to return to Vanessa Rodriguez five of
 26 the items forfeited by Defendant. On December 20, 2013, the U.S. Marshals Service
 27 returned the following assets from the above-listed properties to Vanessa Rodriguez:

28 //

1 17. Necklace, RM Ceremonial Necklace, SKU#750021700,
2 purchased on or about June 11, 2011, from Z Gallerie.

3 22. Chandelier Linear Crystals, SKU #022055433, purchased
4 from Z Gallerie.

5 24. Table, Aluminum Antler Table (The Lumiere Fabric,
6 Polished Aluminum Finish), SKU #160492217, purchased from
7 Z Gallerie.

8 25. Two (2) Vases, Vase Tropical (Plaza Fabric, Earthenware
9 Finish), SKU #121866743, purchased from Z Gallerie.

10 26. Chandelier, Chandelier Glass Links (Hooked Glass Chain
11 Shade), SKU #022055414, purchased from Z Gallerie.

12 The return of these items fully resolves the third party petition of Vanessa Rodriguez
13 in this case.

14 Thirty (30) days have passed following the final date of notice by publication
15 and notice by certified mail, and no third party except Vanessa Rodriguez has made a
16 claim to or declared any interest in the forfeited properties described above.

17 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
18 that, as a result of the failure of any third party to come forward or file a petition for
19 relief from forfeiture as provided by law, all right, title and interest of JOSE RUIZ
20 and any and all third parties in the following properties are hereby condemned,
21 forfeited and vested in the United States of America:

22 1. Two (2) Computers with Black Logisys CS-206 computer
23 case, Intel e5400 Pentium Dual chip, WD320KS Hard Drive (3/5"WD
24 320GB SATA II 7200), Samsung DVD-RW, and Kingston 2GB 800
(DDR2 800mhz) Memory.

25 2. Television, 60" Samsung UN60C6300 LED TV.

26 3. One Ladies wedding ring "wrap," 14 karat white gold,
27 produced by Diego Duque.

28 4. One Ladies engagement ring, produced by Raymond
Aguilar.

5. DVD Player, Samsung Blu-ray BD-C5500, Slim.

6. Dining Table, Brussels (Alto Finish), SKU #999500066,
013902603, 013739669, purchased from Z Gallerie.

1 7. Two (2) Arm Chairs, Lola Pewter (Pewter Gold Fabric,
2 Espresso Finish) SKU #013664721, purchased from Z Gallerie.

3 8. Six (6) Side Chairs, Lola Pewter (Pewter Gold Fabric,
4 Espresso Finish), SKU #013288372, purchased from Z Gallerie.

5 9. Sofa, Sophia (Bella Grey Fabric, Espresso Finish), SKU
6 #010601066, purchased from Z Gallerie.

7 10. Chair, Sophia (Bella Grey Fabric, Espresso Finish), SKU
8 #010116967, purchased from Z Gallerie.

9 11. Console Table Sequoia (Silverleaf Finish),
10 SKU#011216073, purchased from Z Gallerie.

11 12. Mirror, Bergmann Silver, (Wood Finish), SKU
12 #101412566, purchased from Z Gallerie.

13 13. Vase, Fog Med, SKU #120462698, purchased from
14 Z Gallerie.

15 14. Statue, ZRM Musician, SKU #750060254, purchased from
16 Z Gallerie.

17 15. Gardenwall, with Panel and Base Stainless, 2 BXS1CUI,
18 SKU #99336666, purchased from Z Gallerie.

19 16. Floor Lamp, Naples (White Wood Finish), SKU
20 #021002964, purchased from Z Gallerie.

21 18. Cubes, RM Silver Cubes, SKU #750279865, purchased
22 from Z Gallerie.

23 19. Chandelier, Venezia (with Clear Crystals), SKU
24 #02007000, purchased from Z Gallerie.

25 20. Coffee Table, Trunk Coffee Table Zanzibar, with
26 Additional Drawers, SKU #011408013, purchased from Z Gallerie.

27 21. Saber Tooth Tiger Skull (Everglades White, Faux Antique
28 Bone Finish), SKU #160284694, purchased from Z Gallerie.

29 23. Two (2) Chairs, Accent Chair Pebble (Mocha Finish), SKU
30 #010765418, purchased from Z Gallerie;

31 IT IS FURTHER ORDERED that any and all interest of the following person
32 be specifically terminated and forfeited to the United States of America as to the
33 above-referenced properties, excluding those which were returned to her: Vanessa
34 Rodriguez.

35 //

1 IT IS FURTHER ORDERED that costs incurred by the United States
2 Marshals Service, the United States Postal Inspection Service and any other
3 governmental agencies which were incident to the seizure, custody and storage of the
4 properties be the first charge against the forfeited properties.

5 IT IS FURTHER ORDERED that the United States Marshals Service shall
6 dispose of the forfeited properties according to law.

7 DATED:

8 1/10/14

9 
WILLIAM Q. HAYES, Judge
United States District Court

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28